

0117-ORD
10/01/97

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5023

AN ORDINANCE regarding City Whistleblower Policy and Procedures; and amending Ordinance No. 4526, Section 5 and Bellevue City Code Section 3.80.040 by adding language to clarify the scope of authority granted to the Bellevue hearing officer with respect to remedies.

WHEREAS, On May 10, 1993, the City Council adopted Ordinance No. 4526 (the City Whistleblower Policy and Procedures Ordinance) for the purpose of carrying out the intent of the State Local Government Whistleblower Protection Act, RCW Chapter 42.41; and

WHEREAS, the City Council has determined that it is appropriate to modify the City Whistleblower Policy and Procedures Ordinance to clarify that the City of Bellevue hearing officer has the authority to grant injunctive relief, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 4526, Section 5, and Bellevue City Code Section 3.80.040, subsection J.1., are hereby amended to read as follows:

J.1. Upon receipt of a request for a hearing, the city shall apply within five working days to the office of the Bellevue hearing officer designated pursuant to Chapter 3.79 BCC for an adjudicative proceeding. The City may provide legal representation for the city employee charged with retaliatory action in accordance with the requirements and exclusions of Chapter 3.81 BCC. The employee complaining of retaliation must prove his or her claim by a preponderance of the evidence in the hearing. The hearing officer will issue a final decision no later than 45 days after the date the request for hearing is delivered to the city manager, unless an extension of time is granted. The hearing officer has the authority to grant the employee reinstatement to his or her job position, with or without back pay. The hearing officer may issue such injunctive relief as may be found necessary to return the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. The hearing officer may award costs and reasonable attorneys' fees to the prevailing party. The final decision of the hearing officer is subject to judicial review under the arbitrary and capricious standard, by filing a petition for writ of certiorari with the Superior Court of King County within 10 days of the date of the decision.

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Section 2. This Ordinance shall take force and be in effect five days after its passage and legal publication.

PASSED by the City Council this 6th day of October, 1997, and signed in authentication of its passage this 6th day of October, 1997.

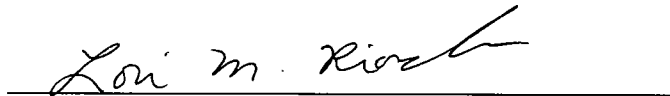
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Lori M. Riordan, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published October 10, 1997